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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15  
16 UNITED STATES OF AMERICA, ) No. CR 15-502 WHA  
17 Plaintiff, )  
18 v. ) STIPULATION AND [PROPOSED]  
19 RICHARD STEWART, ) ORDER EXCLUDING TIME UNDER 18  
20 Defendant. ) U.S.C. § 3161

21  
22 The United States of America, by and through its attorney of record, and the above-  
23 captioned defendant, Richard Stewart, by and through his attorney of record, hereby stipulate:

- 24 1. Defense counsel is unavailable at the date and time of the currently scheduled hearing due to  
25 *Daubert* hearings recently scheduled in *U.S. v. Ryan Chamberlain*, CR No. 14-316. These  
26 hearings are scheduled for February 5th and February 8th in front of Judge Chhabria in  
27 anticipation of a month long trial.
- 28 2. Due to defense counsel's need to prepare for these *Daubert* hearings, she cannot effectively  
29 prepare Mr. Stewart to change his plea.
- 30 3. The parties concur that granting the exclusion would allow the reasonable time necessary for  
31 effective preparation of counsel and continuity of counsel. *See* 18 U.S.C. §  
32 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such an  
33 exclusion of time for the purposes of effective preparation/continuity of counsel outweigh the  
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35 STIPULATION & [PROPOSED] ORDER EXCLUDING TIME  
36 CR 15-502 WHA

1 best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

2 Accordingly, due to the reasons stated above, the parties jointly move to continue the status  
3 hearing from February 9, 2016 at 2:00 p.m. to February 23, 2016 at 2:00 p.m.

4 SO STIPULATED:

5 BRIAN STRETCH  
6 Acting United States Attorney

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8 DATED: February 4, 2016

/s/  
9 SHAILIKA KOTIYA  
Assistant United States Attorneys

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11 DATED: February 4, 2016

/s/  
12 ELIZABETH FALK  
Attorney for Defendant Richard Stewart

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14

15 [PROPOSED] ORDER

16 For the reasons stated above the Court hereby CONTINUES the status hearing in the  
17 aforementioned case from February 9, 2016 to February 23, 2016 at 2:00 p.m. The Court further  
18 finds that the exclusion from the time limits of this period applicable under 18 U.S.C. § 3161 is  
19 warranted and that the ends of justice served by the continuance outweigh the best interests of  
20 the public and the defendant in a speedy trial. Denying the requested exclusion of time would  
21 deprive the defendant effective preparation of counsel, taking into account the exercise of due  
22 diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

23

24 IT IS SO ORDERED.

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26 DATED: February 4, 2016.

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THE HONORABLE WILLIAM ALSUP  
United States District Judge